

1-1 By: Nixon (Senate Sponsor - Duncan) H.B. No. 736
1-2 (In the Senate - Received from the House March 29, 2005;
1-3 March 30, 2005, read first time and referred to Committee on State
1-4 Affairs; May 2, 2005, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 2, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to updating citations in Chapter 84, Civil Practice and
1-9 Remedies Code.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 84.007(e), Civil Practice and Remedies
1-12 Code, is amended to read as follows:

1-13 (e) Sections 84.005 and 84.006 of this chapter do not apply
1-14 to a health care provider as defined in Section 74.001 [~~the Medical~~
1-15 ~~Liability and Insurance Improvement Act of Texas (Article 4590i,~~
1-16 ~~Vernon's Texas Civil Statutes)~~], unless the provider is a federally
1-17 funded migrant or community health center under the Public Health
1-18 Service Act (42 U.S.C.A. Sections 254b [~~254(b)~~] and 254c [~~(c)~~]) or
1-19 is a nonprofit health maintenance organization created and operated
1-20 by a community center under Section 534.101, Health and Safety
1-21 Code, or unless the provider usually provides discounted services
1-22 at or below costs based on the ability of the beneficiary to pay.
1-23 Acceptance of Medicare or Medicaid payments will not disqualify a
1-24 health care provider under this section. In no event shall Sections
1-25 84.005 and 84.006 of this chapter apply to a general hospital or
1-26 special hospital as defined in Chapter 241, Health and Safety Code,
1-27 or a facility or institution licensed under Subtitle C, Title 7,
1-28 Health and Safety Code, or Chapter 242, Health and Safety Code, or
1-29 to any health maintenance organization created and operating under
1-30 Chapter 843, Insurance Code, except for a nonprofit health
1-31 maintenance organization created under Section 534.101, Health and
1-32 Safety Code.

1-33 SECTION 2. This Act applies only to a cause of action that
1-34 accrues on or after the effective date of this Act. An action that
1-35 accrued before the effective date of this Act is governed by the law
1-36 applicable to the action immediately before the effective date of
1-37 this Act, and that law is continued in effect for that purpose.

1-38 SECTION 3. This Act takes effect September 1, 2005.

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